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ABSTRACT

This staff brief is designed to help policymakers make recommendations for the improvement in educational and related services provided to visually impaired children and adults in the state by public school districts, the Wisconsin School for the Visually Handicapped (WSVH), and other educational agencies. Part 1 provides a brief overview of federal and state law relating to the education and related services provided to students with a visual impairment. Information is provided on Individualized Education Programs and student placement in least restrictive environment. Also provided is information on state statues relating specifically to the WSVH. Part 2 provides a brief overview of local programs for students with visual impairments. Part 3 includes information on the history, enrollment, and the costs of operation of the WSVH. The last part provides background information about schools for visually impaired students in other states. Appendices include information on the required components of an Individualized Education Program, enrollment of visually impaired students in public schools, the enrollment of the WSVH, the WSVH adult summer school program, and the Wisconsin Department of Public Instruction proposal to close the WSVH. (CR)

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SERVICES FOR STUDENTS WITH A VISUAL IMPAIRMENT

Staff Brief 98-4

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September 29, 1998

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Joint Legislative Council *Madison, Wisconsin*

Special Committee on
Services for Visually Handicapped Students *September 29, 1998*

Staff Brief 98-4*

SERVICES FOR STUDENTS WITH A VISUAL IMPAIRMENT

INTRODUCTION

This Staff Brief was prepared for the Joint Legislative Council's Special Committee on Services for Visually Handicapped Students. The Special Committee was established by a June 24, 1998 mail ballot and directed to:

> [S]tudy and make recommendations for the improvement in educational and related services provided to visually impaired children and adults in the state by public school districts, the Wisconsin School for the Visually Handicapped and other educational agencies. The study shall include, but not be limited to, an examination of the need for the Wisconsin School for the Visually Handicapped. The Special Committee may concurrently examine similar programs and services for students with other disabilities. The Special Committee shall report its recommendations to the Joint Legislative Council by May 1, 1999.

This Staff Brief is divided into the following parts:

Part I provides a brief overview of federal and state law relating to the education and related services provided to students with a visual impairment. It also provides information on state statutes relating specifically to the Wisconsin School for the Visually Handicapped (WSVH).

Part II provides a brief overview of local programs for students with a visual impairment.

Part III provides information about WSVH.

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* This Staff Brief was prepared by Russ Whitesel and Joyce L. Kiel, Senior Staff Attorneys, Legislative Council Staff.

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Part IV provides background information about schools for students with a visual impairment in other states.

PART I

OVERVIEW OF FEDERAL AND STATE LAW RELATING TO THE EDUCATION OF STUDENTS WITH A VISUAL IMPAIRMENT AND OVERVIEW OF STATE LAW RELATING TO WSVH

Both federal and state law affect the education and related services provided to students with a visual impairment. The Federal Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 [P.L. 105-17; 20 U.S.C. s. 1400 *et seq.*] and the Wisconsin statutes which implement IDEA [subch. V, ch. 115, Stats.] provide, in general, that a free appropriate public education (commonly referred to as "FAPE") must be available to a child with a disability. Both the federal and state statutes include in the definition of a "child with a disability" a child with a visual impairment who needs special education and related services because of the condition. [20 U.S.C. s. 1401 (3) (A); s. 115.76 (5) (a) 4., Stats.][1]

---

1. Wisconsin statutes define "child with a disability" as follows:

> (a) "Child with a disability" means a child who, by reason of any of the following, needs special education and related services:
>
> 1. Cognitive disabilities.
> 2. Hearing impairments.
> 3. Speech or language impairments.
> 4. Visual impairments.
> 5. Emotional disturbance.
> 6. Orthopedic impairments.
> 7. Autism.
> 8. Traumatic brain injury.
> 9. Other health impairments.
> 10. Learning disabilities.
>
> (b) "Child with a disability" may, at the discretion of the local educational agency and consistent with department rules, include a child who, by reason of his or her significant developmental delay, needs special education and related services. [s. 115.76 (5) (a) and (b), Stats.]

A. FEDERAL PROVISIONS RELATING TO THE EDUCATION OF STUDENTS WITH A VISUAL IMPAIRMENT

One of the purposes of IDEA is to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living. [20 U.S.C. s. 1400 (d) (1) (A).] IDEA provides that a state is eligible for certain federal funds if the state demonstrates to the Secretary of the U.S. Department of Education (DOE) that the state has in effect policies and procedures to ensure that it meets certain conditions with respect to children with disabilities. Wisconsin, along with all the other states, has agreed to comply with IDEA. The conditions include providing the following:

1. Free Appropriate Public Education

With very limited exceptions, a free appropriate public education must be available to all children with a disability between the ages of 3 and 21 residing in the state. [20 U.S.C. s. 1412 (a) (1).] The term "free appropriate public education" means special education and related services that:

> (A) have been provided at public expense, under public supervision and direction, and without charge;
>
> (B) meet the standards of the State educational agency;
>
> (C) include an appropriate preschool, elementary, or secondary school education in the State involved; and
>
> (D) are provided in conformity with the individualized education program required under [20 U.S.C. s. 1414 (d) (as discussed in item 2., below)]. [20 U.S.C. s. 1401 (8) (A) to (D).]

According to a recent decision of the U.S. Court of Appeals for the Seventh Circuit, in which Wisconsin is located, this means that:

> The school district is required by the statute and regulations to provide an appropriate education, not the best possible education or the placement the parents prefer. [*Heather S. v. Wisconsin*, 125 F.3d 1045, 1057 (7th Cir. 1997) (citations omitted).]

2. Individualized Education Program

An individualized education program (IEP) (or, with respect to infants and toddlers, an individualized family service plan) must be developed by an IEP team for each child with a disability. The IEP is a written document which states the annual goals for the child and the special education and related services to be provided to advance toward those goals.

IDEA prescribes the composition of the IEP team and how an IEP is developed, including special factors which must be considered by the IEP team. [See generally, 20 U.S.C. s. 1414.] With respect to a child who is blind or visually impaired, the IEP team additionally must:

> [P]rovide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child. [20 U.S.C. s. 1414 (d) (3) (B) (iii).]

The IEP team must review the child's IEP at least annually to determine if the child's annual goals are being met and must revise the IEP as appropriate. [20 U.S.C. s. 1414 (d) (4) (A).]

Procedural safeguards and due process rights are available to a student's parents (or to the student when he or she reaches the age of 18) with respect to the student's evaluation, IEP and educational placement. [20 U.S.C. s. 1415.]

3. Least Restrictive Environment

One of the requirements of IDEA is that a state must demonstrate that it has in effect policies and procedures to ensure that:

> To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [20 U.S.C. s. 1412 (a) (5) (A).]

The regulations which implement the least restrictive environment requirement provide that "[e]ach public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services."[2] [34 C.F.R. s. 300.551 (a).] This continuum must:

---

2. "Public agency" is defined for this purpose as including the state educational agency, local educational agencies, intermediate educational units and any other political subdivisions of a state that are responsible for providing education to children with disabilities. [34 C.F.R. s. 300.14.]

> (1) Include the alternative placements listed in the definition of special education under [34 C.F.R.] s. 300.17 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
>
> (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement. [34 C.F.R. s. 300.551 (b) (1) and (2).]

The issue of "mainstreaming" or "inclusion" of children with disabilities has been the subject of considerable debate. [See, e.g., Rebecca Weber Goldman, *A Free Appropriate Education in the Least Restrictive Environment: Promises Made, Promises Broken by the Individuals with Disabilities Education Act*, 20 Dayton Law Review 243 (Fall 1994); Daniel H. Melvin II, *The Desegregation of Children with Disabilities*, 44 DePaul Law Review 599 (Winter 1995).]

The U.S. Court of Appeals for the Seventh Circuit recently held that:

> Mainstreaming is not required in every case. [*Board of Educ. of] Murphysboro [Community Unit Sch. Dist. No. 186 v. Illinois State Bd. of Educ.*], 41 F.3d [1162] at 1168 [(7th Cir. 1994)]. What the law requires is that a district maintain a "continuum of program options which range from regular classrooms with supplementary aids to separate schools and residential facilities." *Id.* While IDEA requires that children with disabilities be mainstreamed to the extent possible, it does not require their integration at the expense of other IDEA mandates, such as minimum educational opportunities. *Id.* Because each child's social and academic educational needs are different we rely on the IEP procedures to determine the correct mix. [*Heather*, 125 F.3d at 1056-57.]

4. Other Conditions

IDEA includes many other provisions relating to assistance for education of all children with disabilities, infants and toddlers with disabilities and national activities to improve education of children with disabilities. [See generally, 20 U.S.C. s. 1400 *et. seq.*] In addition, federal regulations issued by the U.S. DOE interpret the provisions of IDEA. [See generally, 34 C.F.R. ss. 300 to 399.][3]

In addition to the statutes and regulations, the Office of Special Education and Rehabilitative Services, U.S. DOE, issued Memorandum OSEP 96-4, *Policy Guidance on Educating*

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3. The U.S. DOE will be revising the regulations after the enactment of the IDEA Amendments of 1997. However, the revisions have not yet been completed.

Blind and Visually Impaired Students (November 3, 1995). A copy is being provided to the Special Committee separately.

B. STATE PROVISIONS RELATING TO THE EDUCATION OF STUDENTS WITH A VISUAL IMPAIRMENT

Subchapter V, chapter 115, of the Wisconsin statutes, as repealed and recreated by 1997 Wisconsin Act 164, applies to the education of children with disabilities. (Wisconsin's special education law parallels IDEA, and Act 164 was intended to bring Wisconsin into compliance with IDEA, as amended by the IDEA Amendments of 1997.) As noted above, the definition of a "child with a disability" includes a child with a visual impairment who needs special education and related services because of this condition. [s. 115.76 (5) (a) 4., Stats.] Administrative rules promulgated by the Department of Public Instruction (DPI) define the various types of "handicapping conditions" for purposes of determining eligibility for special education. These rules provide as follows with respect to those who are "visually handicapped":

> (c) Visually handicapped. A visual handicap is determined by functional visual efficiency including visual fields, ocular motility, binocular vision and accommodation. A visual handicap is determined by medical examination, e.g., by an ophthalmologist or optometrist.
>
> 1. Moderately visually handicapped means distance visual measurements of 20/70 and 20/200 in the better eye after correction. Near vision measurements of 14/56, e.g., Jaeger 10, or near vision equivalents.
>
> 1e. Severely visually handicapped means distance visual measurements of 20/200 to 20/400 in the better eye after correction. Near vision measurements of 14/140, e.g., Jaeger 17, or near vision equivalents.
>
> 1g. Profoundly visually handicapped means:
>
> a. Distance visual measurements are 20/500 or less in the better eye after correction.
>
> b. HM – the ability to perceive hand movement.
>
> c. PLL – perceives and localizes light in one or more quadrants.
>
> 1m. Totally blind means:
>
> a. LP – perceives but does not localize light.

b. No LP – no light perception.

1t. Peripheral field and central vision loss means peripheral field so contracted that the widest diameter of such fields subtends an angular distance no greater than 50'.

2. Ocular motility means loss of vision efficiency in either eye, due to double or binocular vision.

3. Lack of binocular vision means the inability to use the 2 eyes simultaneously to focus on the same object and to fuse the 2 images into a single image.

4. Lack of accommodation means the inability of the eye to hold a steady fixation for seeing at various distances, especially near.

5. Also included shall be diagnosed physical disabilities or handicapping conditions which may result in a visual handicap or affect visual functioning in the future. [s. PI 11.35 (2) (c), Wis. Adm. Code.]

Subchapter V, chapter 115, Stats., must, to the extent possible, be construed in a manner that is consistent with IDEA. [s. 115.758, Stats.] The Wisconsin statutes include provisions which are similar to the conditions imposed by IDEA, including the following:

1. Free Appropriate Public Education and Other General Requirements

The Wisconsin statutes impose certain duties on the Division for Learning Support, Equity and Advocacy, DPI, including responsibility for:

(a) Ensuring that all children with disabilities, including children who are not yet 3 years of age, who reside in this state and who are in need of special education and related services are identified, located and evaluated.

(am) Ensuring that a free appropriate public education[4] is available to all children with disabilities who reside in this state, including such children who are suspended or expelled from school.

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4. A "free appropriate public education" is defined in state law as meaning "special education and related services that are provided at public expense and under public supervision and direction, meet the standards of [DPI], include an appropriate preschool, elementary or secondary school education and are provided in conformity with an [IEP]." [s. 115.76 (7), Stats.]

(b) Developing and implementing a practical method to determine which children with disabilities are receiving special education and related services.

(c) Complying with the requirements of this subchapter and applicable federal law, including 20 USC 1415 (k) [placement in alternative educational setting for disciplinary purposes].

(d) Coordinating and supervising the provision of all publicly funded special education and related services for children with disabilities in this state and ensuring that such education and services meet the educational standards of the department, including any criteria established by the department relating to enrollment.

(e) Pursuant to s. 115.77 (4), approving the plan for the provision of all special education and related services provided by a local educational agency.

(g) Monitoring and enforcing local educational agency and child caring institution compliance with this subchapter and applicable federal law, including 20 USC 1415 (k).

(h) Maintaining current information on all publicly funded special education and related services within this state and making this information public.

(i) Coordinating a comprehensive system of personnel development that is designed to ensure an adequate supply of qualified special education, regular education and related services personnel and that meets the requirements of applicable federal law, including participation, as appropriate, by institutions of higher education, state and local agencies and other public and private organizations.

(j) Examining data to determine if significant discrepancies are occurring in the rate of long–term suspensions and expulsions of children with disabilities among local educational agencies or compared to such rates for nondisabled children within such agencies. If such discrepancies are occurring, the division shall review and, if appropriate, revise or require the affected local educational agency to revise its policies, procedures and practices relating to the development and implementation of individualized education programs, the use of behavioral interventions and procedural safeguards to ensure that such policies, procedures and practices comply with this subchapter. [s. 115.762 (3) (a) to (j), Stats.]

The statutes also impose certain duties on a local educational agency (LEA).[5] These responsibilities include demonstrating to the satisfaction of DPI that the LEA does the following:

> (a) Identifies, locates and evaluates all children with disabilities who are in need of special education and related services, including such children who are not yet 3 years of age. A local educational agency may provide special education and related services to children with disabilities who are not yet 3 years of age under an interagency agreement with a county agency responsible for the early intervention program under s. 51.44.
>
> (b) Makes available a free appropriate public education to children with disabilities as required by this subchapter and applicable state and federal law.
>
> (bg) Includes children with disabilities in statewide and local educational agency–wide assessments, with appropriate modifications where necessary, or in alternative assessments for those children who cannot participate in statewide or local educational agency–wide assessments.
>
> (c) Ensures that children participating in early intervention programs under s. 51.44 who will participate in preschool programs assisted under this subchapter experience a smooth and effective transition to those preschool programs and that, by the 3rd birthday of such a child, an individualized education program has been developed and is being implemented for the child. The local educational agency shall participate in transition planning conferences arranged by the county administrative agency, as defined in s. HFS 90.03 (10), Wis. adm. code.
>
> (d) Ensures that children with disabilities who are enrolled in private schools and facilities are provided special education and related services, in accordance with individualized education programs, at no cost to them or to their parents, if such children are placed in, or referred to, such schools or facilities by a local educational agency to satisfy the requirements of this subchapter or applicable federal law.

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5. In general, an LEA is defined as the school district in which the child with a disability resides, the Department of Health and Family Services (DHFS) if the child with a disability resides in an institution or facility operated by DHFS or the Department of Corrections (DOC) if the child with a disability resides in a Type 1 secured correctional facility or Type 1 prison. [s. 115.76 (10), Stats.]

(e) To the extent consistent with the number and location of children with disabilities residing in the local educational agency who are enrolled by their parents in private elementary and secondary schools, ensures that those children have an opportunity to participate in special education and related services and that the amount spent to provide those services by the local educational agency is equal to a proportionate amount of federal funds made available under this subchapter.

(f) Establishes written policies and procedures for implementing this subchapter and applicable federal law.

(g) Makes available to any person, upon request, all documents relating to the agency's eligibility for funds under this subchapter.

(h) Regularly publicizes information regarding its special education procedures and services. [s. 115.77 (1m) (a) to (h), Stats.]

2. Individualized Education Program

At the beginning of each school year, each LEA in Wisconsin must have in effect an IEP for each child with a disability. Wisconsin statutes specify the required components in an IEP, what an IEP team must do to develop an IEP and when an IEP must be reviewed and revised. [s. 115.787, Stats.] The required components of an IEP are set forth in s. 115.787, Stats., a copy of which is included as ***Appendix A***.

With respect to a child with a visual impairment, the IEP team additionally must:

> [P]rovide for instruction in Braille and the use of Braille unless the individualized education program team determines, after an evaluation of the child's reading and writing skills, needs and appropriate reading and writing media, including an evaluation of the child's future needs for instruction in Braille or the use of Braille, that instruction in Braille or the use of Braille is not appropriate for the child. [s. 115.787 (3) (b) 3., Stats.]

As required by federal law, procedural safeguards and due process rights are available to the student's parents (or to the student when he or she reaches the age of 18) with respect to the student's evaluation, IEP and educational placement. [See generally, ss. 115.792 to 115.807, Stats.]

3. Least Restrictive Environment

An educational placement is provided to implement a child's IEP. Among other things, an LEA in Wisconsin must ensure that:

> (3) To the maximum extent appropriate, a child with a disability, including a child receiving publicly funded special education in a public or private institution or other care facility, is educated with nondisabled children.
>
> (4) Special classes, separate schooling or other removal of a child with a disability from the regular educational environment occurs only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [s. 115.79 (3) and (4), Stats.]

The plan which the LEA submits to DPI for approval must include, among other things, the:

> [W]ay the local educational agency provides for a continuum of alternative placements that addresses the unique needs of children with disabilities and ensures that such children receive their educational programming in the least restrictive environment, including the agency's use of placements out of the agency and out of the state and private placements. [s. 115.77 (4) (h), Stats.]

4. Other Conditions

Wisconsin statutes include many other provisions relating to the education of children with disabilities. [See generally, subch. V, ch. 115, Stats.] In addition, administrative rules promulgated by DPI interpret the provisions of subch. V, ch. 115, Stats. [See ch. PI 11, Wis. Adm. Code.] DPI has recently promulgated rules which amend ch. PI 11, Wis. Adm. Code, in order to conform to IDEA, as amended by the IDEA Amendments of 1997, and 1997 Wisconsin Act 164. The amendments to ch. PI 11, Wis. Adm. Code, become effective October 1, 1998. [Clearinghouse Rule 98-68.]

C. STATUTES RELATING TO WSVH

In addition to general provisions relating to the education of children with disabilities, the Wisconsin statutes contain specific provisions relating to WSVH, including the following:

1. Section 115.52, Stats., General Provisions to WSVH

Section 115.52, Stats., applies to both WSVH and the Wisconsin School for the Deaf (WSD) in Delavan, Wisconsin. It provides as follows:

> **115.52 Wisconsin schools for the visually handicapped and the deaf.** **(1)** The object of the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf is to afford

persons with visual impairments and persons with hearing impairments a practical education and physical rehabilitation which may aid them to make a living, discharge their duties as citizens and secure to them all possible happiness.

(2) The state superintendent shall maintain and govern the school for the visually handicapped and the school for the deaf. The state superintendent may fix the period of the school year at the schools at not less than 38 weeks, prescribe the school terms and confer diplomas upon meritorious pupils who have completed the prescribed curricula.

(3) All the blind and the deaf residents of this state 6 to 20 years old, and for the duration of a school term all the blind or deaf residents of this state who become 21 years old during that school term, who are capable of receiving instruction shall be received and taught in the schools free of charge. Like nonresident pupils also may be received upon payment in advance of the fees fixed by the state superintendent at an amount not less than $75 per month, but no nonresident shall be received to the exclusion of a resident pupil. The state superintendent also may admit pupils who are 21 years of age or older prior to the beginning of a school term upon the payment of fees fixed by the superintendent and upon the recommendation of the secretary of health and family services, the director of the technical college system or the superintendent of the school to which the pupil will be assigned. All pupils shall equally and freely enjoy the benefits and privileges of the schools and have the use of the library and books of instruction and receive board, lodging and laundry, without discrimination. The schools may provide transportation for resident pupils.

(5) The state superintendent may grant approval for the maintenance of a summer school at the school for the deaf whenever it will be to the advantage of persons with hearing impairments and may grant approval for the maintenance of a summer school at the school for the visually handicapped whenever it will be to the advantage of children with visual impairments. There shall be a summer school each year at the school for the visually handicapped for adults with visual impairments.

(6) The state superintendent may make charges for meals, living quarters, laundry and other services furnished to employes of the schools and their families. The state superintendent also may make charges for services furnished to visitors at the schools and participants in training programs and institutes.

(7) The Wisconsin school for the deaf may provide instruction for preschool children with hearing impairments and their parents. The Wisconsin school for the visually handicapped may provide instruction for preschool children with visual impairments and their parents. Such instruction or treatment shall be subject to the approval of, and shall comply with requirements established by, the department.

2. Section 115.55, Stats., Relating to WSVH Library for Persons With Visual Impairments

Section 115.55, Stats., relates to the circulating library for persons with visual impairments which is kept at WSVH. It provides as follows:

115.55 Library for persons with visual impairments. Embossed, clear type or large type text books acquired by the school for the visually handicapped shall constitute a circulating collection for persons with visual impairments. The collection shall be kept at the school and be under the supervision of its superintendent. All school age children with visual impairments of the state may use such books upon compliance with rules made by the superintendent and approved by the state superintendent.

3. Section 115.58, Stats., Relating to Park Grounds at WSVH

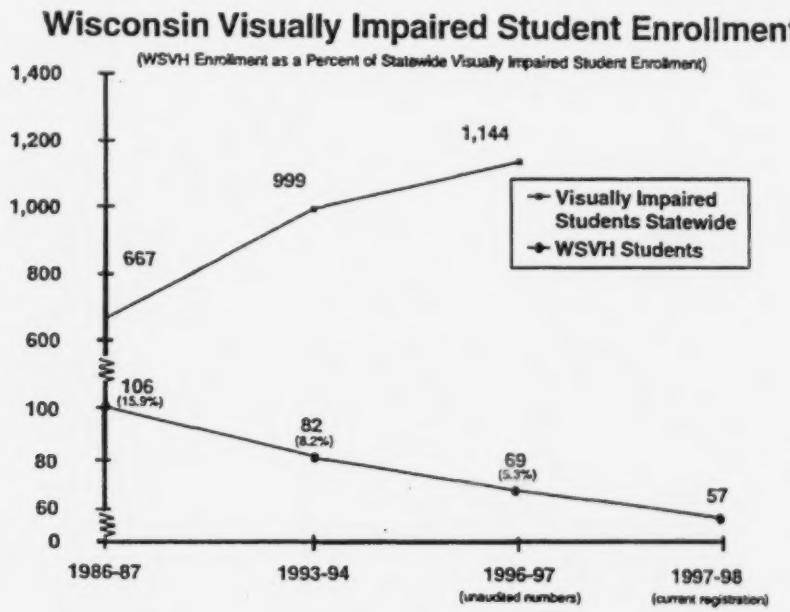
Section 115.58, Stats., relates to the park grounds at WSVH. It provides as follows:

115.58 Park grounds. The state superintendent may permit the city of Janesville to use portions of the grounds of the state school for the visually handicapped at Janesville, which abut on the Rock river, for purposes of operating a city park. Any construction on such grounds is subject to prior approval by the state superintendent. Any agreement pursuant hereto shall be cancelable at the option of either party without liability. Any such grounds so used by the city of Janesville shall be supervised by the city and shall be subject to the ordinances of the city of Janesville applicable to city parks.

PART II

LOCAL PROGRAMS

School districts reported to DPI that, as of December 1, 1996, there were 1,144 students with a visual impairment in Wisconsin--462 students with visual impairment as their primary disability and 682 students with visual impairment as their secondary disability. In the 1996-97 school year, approximately 95% (1,075) of these students were served by local school districts or regional programs, and the remaining students (69) were served at WSVH. The following chart, prepared by DPI, sets forth the visually impaired student enrollment for school years 1986-87, 1993-94, 1996-97 and 1997-98. The enrollment history of WSVH is discussed in Part III; Part II discusses local programs.



A. NUMBER OF STUDENTS

School districts reported to DPI that, as of December 1, 1996, 1,087 of the 1,144 students with a visual impairment were served locally, rather than being placed at WSVH. ***Appendix B*** is a chart, prepared by DPI, which reflects the enrollment for visually impaired students for the 1996-97 regular school year (excluding students at WSVH) and specifies the fiscal agent and district for the students. The enrollment total of 1,388 is higher than the number of reported students because a student may be served by multiple school districts.

B. SPECIAL EDUCATION AND RELATED SERVICES

DPI does not collect data regarding the IEPs prepared for students with a visual impairment or data regarding the special education and related services which are actually provided to such students. It appears that no other entity collects this information. As noted above, in most cases, the IEP prepared for a student with a visual impairment provides for an educational placement other than WSVH. Special education and related services may be provided locally by school districts (either on their own or through cooperative arrangements with other school districts), by cooperative educational service agencies (CESAs) or by county children with disabilities education boards (CWDEBs) (formerly referred to as county handicapped children's education boards).

DPI has established minimum and maximum enrollment numbers for students with a visual impairment for: (1) the resource room program, located in a regular school, in which the teacher provides for instruction in specific skill areas and the children with disabilities enrolled in this program are integrated into the regular academic programs; and (2) the itinerant program in which the teacher serves students in several schools and travels between schools. For the resource room program for students with a visual impairment (but who are not both blind and deaf), the minimum enrollment is 8 and the maximum enrollment is 12; for the itinerant program for such students, the minimum is 8 and the maximum is 15. The maximum number may be changed only with the approval of DPI. [DPI, *Exceptional Education/Pupil Services Update*, Bulletin No. 93.3 (February 1993).]

DPI collects information on the number of teachers of the visually impaired,[6] orientation and mobility teachers and aides for visually impaired students. As of September 17, 1997, the following were reported as active personnel providing services to students with a visual impairment who are not at WSVH: 58.72 full-time equivalent (FTE) teachers of the visually impaired; 9.79 FTE orientation and mobility teachers; and 45.94 FTE aides. The distribution of the personnel is set forth in the DPI chart which is included as Appendix B. As noted on the chart, not all of the teachers or aides are employed by a school district; some are employed by a CESA.

State Superintendent of Public Instruction John Benson has expressed concern about the adequacy and availability of services throughout the state for students with a visual impairment. In 1997, Superintendent Benson established the Task Force on Statewide Service Needs for Students Who are Blind or Visually Disabled. A copy of the recommendations of the Task Force, the DPI response to the recommendations and associated materials are included as attachments to the memorandum, *Recommendations From Task Force on Statewide Service Needs for Students Who are Blind or Visually Disabled,* by Juanita S. Pawlish, Assistant Superintendent, Division for Learning Support, Equity and Advocacy, DPI (January 29, 1998). A copy of Dr. Pawlish's memorandum and its attachments is being provided to the Special Committee separately.

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6. A person may be licensed to teach the visually impaired under s. PI 3.03 (2) (f), Wis. Adm. Code.

C. COST PER STUDENT

DPI does not collect per pupil cost data on students with disabilities. However, DPI has stated that "based upon informal discussions with school district staff, [DPI] is confident that the average local district cost of serving visually disabled students is less that $20,000 per year." [*Why It Makes Sense to Close the Wisconsin School for the Visually Handicapped at Janesville*, DPI document (undated), item 3.] DPI also has indicated that there is an "average cost of approximately $21,500 per pupil for tuition to place a student with a visual disability in a sample of urban school districts." [*Id.*]

D. FUNDING

The state reimburses a portion of the costs for educating and transporting students enrolled in a special education program. First, there are categorical aids. Second, school district costs which are not reimbursed through a categorical aid program are included as shared costs under the equalization aid formula for that school district.

1. Categorical Aids

The state share of the cost of special education distributed as categorical aids is as follows:

a. 63% of the salaries for special education teachers, licensed coordinators of special education, paraprofessionals (teacher and therapy aides), licensed consulting teachers who work with any teacher of regular education programs who has a child with a disability in class, physical therapists and occupational therapists and 63% of other expenses approved by DPI. [s. 115.88 (1m) (a), Stats.]

b. 63% of the cost of transportation for students enrolled in special education programs. [s. 115.88 (2), Stats.]

c. 51% of the salaries for licensed school psychologists and licensed school social workers, regardless of whether they are employed in special education programs. [s. 115.88 (1m) (b), Stats.]

d. 100% of the cost of board, lodging and transportation of children who are enrolled in a school district's special education program but who are not residents of the school district and of the cost of special education for children in hospitals and convalescent homes for orthopedically disabled children. [s. 115.88 (4), Stats.]

However, if the sum certain amount appropriated under s. 20.255 (2) (b) and (br), Stats., is insufficient to pay these amounts, then the appropriations are used first for the purpose in item d., above (that is, for the purpose in s. 115.88 (4), Stats.), and any remaining funds in the appropriations must be ***prorated*** among the school districts, CESAs or counties (for the CWDEBs). [s. 115.882, Stats.] The state has prorated the reimbursement levels since 1985-86

(except in 1987-88 when the specific percentages were deleted from the statutes for one year). The actual state reimbursement rate as categorical aids established for program staff (excluding school psychologists and social workers) for payment year 1996-97 was 40.2%, rather than 63%. For payment year 1997-98, the state reimbursement rate as categorical aids for program staff is estimated to be 37.5%, rather than 63%.

2. Equalization Aid

As noted above, costs not reimbursed through categorical aids are eligible for state sharing under the general equalization aid formula. In 1997-98, an average school district is eligible for approximately 59.9% equalization support and would have been reimbursed for approximately 74.7% of its special education expenditures through a combination of equalization and categorical aids. Obviously, the amount for a specific school district is dependent on the equalization aid to which it is entitled.

PART III

WISCONSIN SCHOOL FOR THE VISUALLY HANDICAPPED

A. HISTORY

The WSVH is located in Janesville, Wisconsin, in Rock County. The school was incorporated on February 9, 1850 and has operated on the current site since June 1, 1852.

Appendix C, prepared by the Wisconsin Council of the Blind, traces the historic development of WSVH from its inception to the present, highlighting major events and changing enrollment levels.

B. ENROLLMENT

According to the recent DPI publication, *WSVH, Learning Choices*, the school, throughout its history, has pursued its original mission of ". . . providing an exemplary education to prepare visually handicapped students to live independent, full and rewarding lives."

WSVH serves students from ages 3 to 21 who have needs that cannot be met in a general classroom setting. Each student must meet specified enrollment criteria. Many students spend several years at WSVH, while others attend for shorter periods of time to work on skills such as Braille, adaptive technology, orientation and mobility, daily living skills, vocational education needs, social interaction, recreation and leisure, career education, visual efficiency training or compensatory academic skills. These are described in greater detail in *WSVH, Learning Choices.*

Students at WSVH enroll in either residential or day programs. The students who live within a 40-mile radius of WSVH are transported to and from the school on a daily basis. Residential students are bussed home (except for students from northern Wisconsin who are flown) each Friday afternoon and return Sunday evening.

WSVH achieved its highest enrollment in 1967 and 183 students lived at the school. WSVH is currently at its lowest enrollment since the initial years of operation. The chart on p. 15 traces the enrollment decline at WSVH from 106 students in 1986-87 to 57 students in 1997-98.

The current enrollment for the 1998-99 school year is 52 students, a figure that includes one student enrolled for a 45-day placement/evaluation and one student who is dually enrolled in WSVH and WSD.

The 52 students currently enrolled in WSVH are at the following levels:

Pre-School (2 Students)

Pre-Kindergarten	2

Elementary School (10 Students)

1st Grade	2
2nd Grade	2
3rd Grade	1
4th Grade	1
5th Grade	4

Middle School (14 Students)

6th Grade	4
7th Grade	5
8th Grade	5

High School (26 Students)

9th Grade	4
10th Grade	6
11th Grade	2
12th Grade	14

Of the 52 students, there are 26 males and 26 female students currently enrolled in the school. Of the 52, 20 are classified as day students; 32 are residents at WSVH.

Under the cooperative program, WSVH students can attend classes at Janesville Public Schools (Parker High School and Van Buren Elementary School) or Blackhawk Technical College. Of the 52 current enrollees, 13 are enrolled in at least one class in the cooperative program.

WSVH also provides an adult summer school program to serve primarily older visually impaired adults. Housing, meals and instruction are provided without any fees assessed to the enrollees. ***Appendix D*** provides information on this program for the period between 1992-93 and 1996-97. Enrollment has generally held constant at between 72 and 74 students, except for 1994-95 when the program served 87 adults.

C. COSTS OF OPERATION; STAFFING

The WSVH, along with the WSD, has been the subject of two recent major management audits by the Legislative Audit Bureau (LAB), one in 1987 and the most recent in 1994.

The 1987 audit (No. 87-16) included recommendations relating to WSVH to improve staffing criteria in light of declining enrollments and in improving outreach services to school districts.

The 1994 audit (No. 94-11) documented further enrollment declines, and noted that staffing patterns had not been adjusted to reflect lower enrollments. The audit also reviewed the facility management practices at both residential schools and made several recommendations for improvements. The audit also recommended giving greater emphasis to serving students at the local school district level through outreach services and summer school programs. As a result of the recommendations regarding staffing, DPI and LAB agreed to staffing ratios for personnel at WSVH.

Following a thorough review and analysis, DPI implemented a personnel plan in the Fall of 1998, based on 1997 data, to bring staffing patterns into conformity with the DPI/LAB agreement. That review revealed that WSVH exceeded the recommended staffing levels for teachers, child care counselors, teacher assistants and other support staff. The result of the implementation of the personnel plan was a net reduction in staff of approximately 27 positions at WSVH including vacant positions. With reassignment and retirements, actual layoffs amounted to 14 persons.

The current staff at WSVH consists of 73 positions, as follows:

Administrative	4
Program Assistants	2
Teachers	22
Teacher Assistants	12
Child Care	15
Food Service	5
Custodians	6
Maintenance/Machinists	5
Crafts	2
TOTAL	73

According to the DPI, the total cost per student at WSVH has risen from $64,329 per student in 1993-94 to $69,927 in 1994-95 and to $76,230 in 1995-96. This increase has been caused by a combination of increasing costs and declining enrollment.

It should be noted that the WSVH is funded primarily with a combination of state general purpose revenues (GPR) and federal funds. Except for the costs of transportation, local districts do not pay for the costs of a student to attend WSVH. In the fiscal year 1996-97, the costs of the student residential education program operation were approximately $4.88 million, funded with $3.91 million state GPR and $810,000 federal, plus approximately $171,000 program revenue derived from charges assessed to local districts for transportation. Local school districts count the students and their local costs in district enrollment total for purposes of state aid and revenue limit calculations.

D. DPI PROPOSAL TO CLOSE WSVH

In August 1997, State Superintendent John Benson proposed closing WSVH at the end of the 1997-98 school year. He proposed that the funds used to operate the state-run facility be redirected to support and improve local and regional educational programming for all visually impaired students. Superintendent Benson's announcement and rationale for the decision is included as ***Appendix E***.

Superintendent Benson cited enrollment declines and increasing per student costs as the basis for his decision. Concurrently, Superintendent Benson announced the establishment of a Task Force on Statewide Service Needs for Students Who are Blind or Visually Disabled. The Task Force is discussed on p. 16 of this Brief.

Superintendent Benson's recommendations were subsequently introduced in the Legislature in companion bills, 1995 Senate Bill 310 and 1997 Assembly Bill 603. Also introduced during the 1997 Legislative Session were two joint resolutions requesting a study of the issue: 1997 Senate Joint Resolution 37 and Assembly Joint Resolution 85. A lengthy public hearing was held on these proposals before a joint meeting of the Senate Education Committee and the Assembly Education Committee. None of the proposals were enacted before the end of the 1997 Legislative Floorperiod.

Following the introduction of the legislative proposal, a civil action was filed in Dane County Circuit Court by the Wisconsin Council of the Blind, Inc. and others against John Benson to restrain the Superintendent from unilaterally closing WSVH. [Case No. 97-CV-2436.]

The parties, on September 1, 1998, entered a stipulated settlement and order, agreeing in full and final settlement of the action that:

1. The State Superintendent published and distributed a booklet describing the facilities, programs and services at WSVH.

2. The State Superintendent maintain staffing levels within the ranges established in the DPI's January 13, 1995 response to the LAB Report No. 94-11 unless and until those staffing levels are revised through a negotiated process between DPI and LAB.

3. The State Superintendent declares that he has no intention of acting to close WSVH unless and until the Legislature directs that WSVH be closed.

PART IV

RESIDENTIAL SCHOOLS IN OTHER STATES

A. SUMMARY INFORMATION ON RESIDENTIAL SCHOOLS IN OTHER STATES

According to the American Foundation for the Blind Directory, all but 9 states maintain at least one residential school for the visually impaired; although in 11 states the institution serves students with both visual and hearing impairments.

Appendix F provides detailed information on institutions in other states, compiled from the American Foundation for the Blind Directory. Information is provided, where available on the following characteristics of the schools:

1. School name.
2. Pupils served.
3. Staff.
4. Outreach services.
5. Ages of pupils served.
6. Curriculum/grade range.
7. Summer program.
8. University training program site.

B. STATES WITHOUT RESIDENTIAL SCHOOLS

There are nine states that do not have a state residential program for the visually impaired. Those states are:

1. Alaska.
2. Delaware.
3. Maine.
4. Nevada.
5. New Hampshire.

6. North Dakota.

7. Rhode Island.

8. Vermont.

9. Wyoming.

RW:JLK:wu;ksm

APPENDIX A

REQUIRED COMPONENTS OF AN INDIVIDUALIZED EDUCATION PROGRAM

115.787 Individualized education programs. (1) REQUIREMENT THAT PROGRAM BE IN EFFECT. At the beginning of each school year, each local educational agency shall have in effect, for each child with a disability, an individualized education program.

(2) REQUIRED COMPONENTS. An individualized education program shall include all of the following:

(a) A statement of the child's present level of educational performance, including how the child's disability affects the child's involvement and progress in the general curriculum or, for a preschool child, as appropriate, how the disability affects the child's participation in appropriate activities.

(b) A statement of measurable annual goals for the child, including benchmarks or short–term objectives, related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum, and to meeting each of the child's other educational needs that result from the child's disability.

(c) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child to do all of the following:

1. Advance appropriately toward the annual goals.

2. Be involved and progress in the general curriculum in accordance with par. (a) and participate in extracurricular and other nonacademic activities.

3. Be educated and participate with other children with disabilities and nondisabled children in the activities described in this subsection.

(d) An explanation of the extent to which the child will not participate with nondisabled children in regular classes, in the general curriculum and in extracurricular and other nonacademic activities.

(e) 1. A statement of any individual modifications in the administration of any statewide or local educational agency–wide assessment of pupil achievement that are needed for the child to participate in the assessment.

2. If the individualized education program team determines that a child will not participate in a particular statewide or local educational agency–wide assessment of pupil achievement, or part of such an assessment, a statement of why that assessment is not appropriate for the child and how the child will be assessed through alternative means.

(f) The projected date for the beginning of the services and modifications described in par. (c) and the anticipated frequency, location and duration of those services and modifications.

(g) 1. Beginning when the child attains the age of 14, and annually thereafter until the child is no longer eligible for special education and related services, a statement identifying the courses

of study needed to prepare the child for a successful transition to his or her goals for life after secondary school, such as participation in advanced placement courses or a vocational education program.

2. Beginning when the child attains the age of 16, or earlier if that is determined to be appropriate by the individualized education program team, and annually thereafter until the child is no longer eligible for special education and related services, a statement of the needed transition services of the child, including, when appropriate, a statement of the interagency responsibilities or any cooperative arrangements between and among persons.

3. Beginning at least one year before the child attains the age of 18, and annually thereafter until the child is no longer eligible for special education and related services, a statement that the child has been informed of the parental rights that will transfer to the child on reaching the age of 18 under s. 115.807.

(h) A statement of all of the following:

1. How the child's progress toward the annual goals described in par. (b) will be measured.

2. How the child's parents will be regularly informed, at least as often as parents are informed of their nondisabled children's progress, of their child's progress toward the annual goals and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the effective period of the individualized education program.

(3) DEVELOPMENT. (a) In developing each child's individualized education program, the individualized education program team shall consider the strengths of the child, the concerns of the child's parents for enhancing the education of their child and the results of the initial evaluation or most recent reevaluation of the child.

(b) The individualized education program team shall do all of the following:

1. In the case of a child whose behavior impedes his or her learning or that of others consider, when appropriate, strategies, including positive behavioral interventions, and supports to address that behavior.

2. In the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's individualized education program.

3. In the case of a child who is visually impaired, provide for instruction in Braille and the use of Braille unless the individualized education program team determines, after an evaluation of the child's reading and writing skills, needs and appropriate reading and writing media, including an evaluation of the child's future needs for instruction in Braille or the use of Braille, that instruction in Braille or the use of Braille is not appropriate for the child.

4. Consider the communicative needs of the child, and, in the case of a child who is hearing impaired, consider the child's language and communicative needs, opportunities for direct communications with peers and professional personnel in the child's language and communicative mode, academic level and full range of needs, including opportunities for direct instruction in the child's language and communicative mode.

5. Consider whether the child requires assistive technology devices and services.

(c) The regular education teacher of the child, as a participant on the individualized education program team, shall, to the extent appropriate, participate in the development of the individualized education program of the child, including the determination of appropriate positive behavioral interventions and strategies and the determination of supplementary aids and services, program modifications and support for school personnel.

(d) If a child is attending a public school in a nonresident school district under s. 118.51, the individualized education program team for the child shall develop the child's individualized education program in collaboration with appropriate personnel designated by the school board of the school district in which the child resides.

(e) The local educational agency shall give a copy of the child's individualized education program to the child's parents with the notice of placement under s. 115.792 (2).

(4) REVIEW AND REVISION. (a) The individualized education program team shall do all of the following:

1. Review the child's individualized education program periodically, but at least annually, to determine whether the annual goals for the child are being achieved.

2. Revise the individualized education program as appropriate to address all of the following:

a. Any lack of expected progress toward the annual goals and in the general curriculum.

b. The results of any reevaluation conducted under s. 115.782.

c. Information about the child provided to or by the child's parents, as described in s. 115.782.

d. The child's anticipated needs.

e. Other matters.

(b) The regular education teacher of the child, as a participant on the individualized education program team, shall, to the extent appropriate, participate in the review and revision of the individualized education program of the child.

(5) FAILURE TO MEET TRANSITION OBJECTIVES. If a participating agency, other than the local educational agency, fails to provide transition services in accordance with sub. (2) (g) 2., the local educational agency shall reconvene the individualized education program team to identify alternative strategies to meet the transition objectives for the child set out in the individualized education program.

(6) CHILDREN WITH DISABILITIES IN STATE PRISONS. (a) 1. The requirements relating to participation of children with disabilities in general assessments under sub. (2) (e) do not apply to a child with a disability who is convicted of a crime under state law and incarcerated in a state prison.

2. The requirements relating to transition planning and transition services under sub. (2) (g) 1. and 2. do not apply with respect to a child with a disability who is convicted of a crime under state law and incarcerated in a state prison and whose eligibility under this subchapter will end, because of his or her age, before he or she will be released from prison.

(b) If a child with a disability is convicted of a crime and incarcerated in a state prison, the child's individualized education program team may modify the child's individualized education program or placement notwithstanding the requirements of sub. (1) and s. 115.79 (1) if the department of corrections has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

(7) CONSTRUCTION. Nothing in this section requires the individualized education program team to include information under one component of a child's individualized education program that is already contained under another component of the individualized education program.

APPENDIX B

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION REPORTED ACTIVE PERSONNEL AND ENROLLMENT FOR VISUALLY IMPAIRED 1996-97 SCHOOL YEAR (EXCLUDING THE WISCONSIN SCHOOL FOR THE VISUALLY HANDICAPPED AND SUMMER/EXTENDED SCHOOL YEAR) SEPTEMBER 19, 1997

Wisconsin Department of Public Instruction
Reported Active Personnel and Enrollment for Visually Impaired
1996-97 School Year (Excluding WSVH and Summer/Extended School Year)
September 19, 1997

	Fiscal Agent/Work District	Personnel** /*****			Enrollment*
		Teacher (FTE)	Orientation and Mobility (FTE)	Aide (FTE)	
1	Appleton/Appleton	1 (1.00)			9
2	Ashland/Ashland			1 (0.50) ***	< 4 ****
3	Beloit/Beloit	1 (1.00)	1 (0.10)		10
4	Boscobel/Boscobel			1 (1.00)	< 4
5	Boyceville/Boyceville			1 (1.00)	< 4
6	Brown Deer/Brown Deer			1 (0.50)	< 4
7	Clear Lake/Clear Lake			2 (1.00)	< 4
8	Clintonville/Clintonville	1 (0.10)			4
9	CESA #1/Multiple Districts	1 (0.10)			36
10	CESA #2/Multiple Districts	1 (1.00)			19
11	CESA #3/Multiple Districts	3 (3.00)			26
12	CESA #4/Multiple Districts	1 (1.00)			17
13	CESA #5/Multiple Districts	3 (3.00)	1 (0.60)		88
14	CESA #5/Portage	1 (1.00)		2 (2.00)	18
15	CESA #6/Multiple Districts	7 (5.05)	3 (1.25)		118
17	CESA #6/Cambellsport	1 (0.50)			7
18	CESA #8/Multiple Districts	2 (1.85)			62
19	CESA #9/Multiple Districts		1 (1.00)		12
20	CESA #9/Phillips	1 (0.25)			4
21	CESA #9/Rhinelander	1 (0.28)			< 4
22	CESA #9/Tomahawk	1 (0.08)			< 4
23	CESA #9/CESA #10	1 (0.20)			7
24	CESA #9/Northland Pines	1 (0.04)			4
25	CESA #9/Lakeland UHS	2 (0.50)			4
26	CESA #9/Lac du Flambeau #1	1 (0.02)			< 4
27	CESA #9/Park Falls	1 (0.38)			< 4
28	CESA #9/Three Lakes	1 (0.20)			< 4
29	CESA #11/Multiple Districts	3 (3.00)	1 (1.00)		72
30	CESA #12/Multiple Districts	1 (1.00)		1 (0.64)	21
31	De Forest/De Forest	1 (0.15)			< 4
32	Eau Claire/Eau Claire	2 (1.20)	1 (0.20)		20
33	Ellsworth/Ellsworth			1 (0.40)	< 4
34	Elmbrook/Elmbrook	4 (3.01)		1 (1.00)	83
35	Fox Point J2/Fox Point J2	1 (0.06)		1 (0.42)	< 4
36	Green Bay/Green Bay	5 (3.00)		5 (5.00)	59
37	Hortonville/Hortonville			1 (1.00)	< 4
38	Janesville/Janesville	1 (1.00)			16

* A duplicated count, i.e., a student can be served by multiple districts.
** Personnel may be dually certified, e.g., teacher of visually impaired and orientation and mobility.
*** Visually impaired teachers are provided by another source, i.e., CESA where aides are listed without a teacher.
**** For purposes of confidentiality enrollments of less than four students are not shown by fiscal agent/work district but are included in the total.
***** Please note in some situations a single person is employed and reported by multiple districts.

Wisconsin Department of Public Instruction
Reported Active Personnel and Enrollment for Visually Impaired
1996-97 School Year (Excluding WSVH and Summer/Extended School Year)
September 19, 1997

	Fiscal Agent/Work District	Personnel** /*****			Enrollment*
		Teacher (FTE)	Orientation and Mobility (FTE)	Aide (FTE)	
39	Kaukauna/Kaukauna	1 (0.20)			10
40	Kenosha/Kenosha	2 (1.50)	1 (0.20)	2 (2.00)	64
41	Kettle Moraine/Kettle Moraine			1 (1.00)	< 4
42	LaCrosse/LaCrosse	2 (1.40)			10
43	Lomira/Lomira			1 (0.35)	< 4
44	Madison/Madison	9 (5.80)	1 (0.50)	6 (5.00)	125
45	McFarland/McFarland	1 (0.10)	1 (0.10)	1 (1.00)	< 4
46	Menasha/Menasha	1 (0.25)		1 (0.50)	4
47	Mequon-Thiensville/Mequon-Thiensville	1 (0.02)			< 4
48	Middleton/Middleton	1 (0.55)			< 4
49	Milwaukee/Milwaukee	6 (5.50)	4 (4.00)	3 (3.00)	231
50	Mukwonago/Mukwonago			1 (1.00)	< 4
51	Oregon/Oregon	1 (0.80)	1 (0.80)	2 (1.44)	8
52	Oshkosh/Oshkosh			3 (2.70)	< 4
53	Park Falls/Park Falls			1 (1.00)	< 4
54	Racine HCEB/Multiple Districts	2 (0.33)			6
55	Racine/Racine	2 (2.00)		1 (1.00)	48
56	Rhinelander/Rhinelander			2 (1.62)	< 4
57	River Falls/Multiple Districts	1 (1.00)			12
58	Sheboygan/Sheboygan	1 (1.00)		2 (1.16)	20
59	Sheboygan Falls/Sheboygan Falls	1 (0.70)			5
60	Shorewood/Shorewood	1 (0.20)			< 4
61	Spooner/Spooner			2 (2.00)	< 4
62	Superior/Superior	1 (0.40)			< 4
63	Verona/Verona	1 (0.30)			5
64	Watertown/Watertown	1 (0.40)		1 (0.50)	8
65	Waukesha/Waukesha	2 (2.00)		2 (2.00)	30
66	Waupun/Waupun			1 (1.00)	< 4
67	Wausau/Wausau	3 (1.00)		1 (1.00)	9
68	West Allis/West Allis	1 (0.30)			14
69	West Bend/West Bend			3 (1.85)	< 4
70	Wilmot/Wilmot		1 (0.04)	2 (0.36)	19
	GRAND TOTALS	93(58.72)	17 (9.79)	57 (45.94)	1,388

* A duplicated count, i.e., a student can be served by multiple districts.
** Personnel may be dually certified, e.g., teacher of visually impaired and orientation and mobility.
*** Visually impaired teachers are provided by another source, i.e., CESA where aides are listed without a teacher.
**** For purposes of confidentiality enrollments of less than four students are not shown by fiscal agent/work district but are included in the total.
***** Please note in some situations a single person is employed and reported by multiple districts.

APPENDIX C

WISCONSIN SCHOOL FOR THE VISUALLY HANDICAPPED
ENROLLMENT AND HISTORY

WISCONSIN SCHOOL FOR THE VISUALLY HANDICAPPED
Enrollment and History

YEAR	SCHOOL YEAR SERVED	SUMMER SCHOOL SERVED	COMMENTS
1849	8	0	School established.
1909	79	0	
1910	71	0	
1911	90	0	
1912	111	0	
1913	125	0	
1914	140	0	
1915	150	0	
1916	122	0	
1917	150	0	Recognized as a public school.
1918	116	25	Summer School program for male World War I veterans.
1919	112	16	
1920	111	31	
1921	120	50	
1922	130	60	First year for women in Summer School.
1923	116	not available	
1924	134	not available	
1925	139	81	
1926	136	83	
1927	144	89	
1928	132	82	
1929	144	86	
1930	141	77	
1931	167	73	
1932	170	72	
1933	175	82	
1934	153	80	
1935	159	77	
1936	163	90	
1937	143	74	Became part of DPI.
1938	143	75	
1939	165	85	
1940	170	73	
1941	175	52	
1942	164	58	
1943	148	55	Governor proposes to close school.
1944	140	41	
1945	146	52	
1946	148	53	
1947	158	53	Children's Summer School legislation passed.
1948	144	51	
1949	157	70	
1950	154	57	Legislative Council Study of WSVH.
1951	141	58	Summer School reduced from 8 to 6 weeks.
1952	151	43	
1953	141	32	

YEAR	SCHOOL YEAR SERVED	SUMMER SCHOOL SERVED	COMMENTS
1954	134	40	
1955	128	45	
1956	138	37	
1957	145	37	
1958	152	37	
1959	148	44	
1960	154	55	
1961	163	54	
1962	171	62	First year for experimental Summer School for children.
1963	177	62	
1964	178	63	
1965	178	62	
1966	177	69	
1967	183	60	
1968	177	64	
1969	176	65	
1970	179	79	
1971	170	67	Concerns expressed about declining enrollment.
1972	157	81	Started college prep program.
1973	153	72	
1974	155	61	
1975	145	75	Federal PL 94.142 passed.
1976	150	76	
1977	142	59	
1978	138	81	Final year for children in Summer School.
1979	143	86	
1980	142	91	
1981	142	81	
1982	140	88	Summer School reduced from 6 to 5 weeks.
1983	128	84	
1984	130	90	
1985	137	88	
1986	116	87	
1987	106	95	
1988	108	91	
1989	99	100	
1990	103	99	
1991	109	103	
1992	98	88	
1993	95	74	
1994	90	72	
1995	83	87	
1996	85	72	Summer School reduced from 5 to 3 weeks.
1997	74	74	

Source: Wisconsin Council of the Blind.

APPENDIX D

WISCONSIN SCHOOL FOR THE VISUALLY HANDICAPPED
ADULT SUMMER SCHOOL PROGRAM

WISCONSIN SCHOOL FOR THE VISUALLY HANDICAPPED

ADULT SUMMER SCHOOL PROGRAM

Fiscal Year	Student Enrollment	Length of Session	Expenditures Salary/Fringe	Expenditures Supplies/Services	Program Revenue	TOTAL
1992-93	74	5 Weeks	$145,726	$6,655	$2,685	$155,066
1993-94	72	5 Weeks	$147,564	$9,437	$2,162	$159,163
1994-95	87	5 Weeks	$150,892	$11,286	$1,892	$164,070
1995-96	72	5 Weeks	$148,034	$9,888	$2,199	$160,121
1996-97	74	3 Weeks	$84,716	$6,334	$2,226	$93,276

The summer program serves primarily older visually impaired adults and is the only educational program available to this population in the State of Wisconsin. Housing, meals and instruction are provided with no fee assessed to the student. In addition to the above salaries, support services and health center staff serve the program under their regular FTE appointment. The Supplies/Services expenditures are for food and laundry only. Also, utility estimates are not listed.

Source: Department of Public Instruction.

APPENDIX E

DEPARTMENT OF PUBLIC INSTRUCTION
PROPOSAL TO CLOSE THE WISCONSIN SCHOOL
FOR THE VISUALLY HANDICAPPED

DPI
INFORMATION

From the Wisconsin Department of Public Instruction, 125 South Webster Street, P. O. Box 7841, Madison, Wisconsin 53707-7841

John T. Benson, State Superintendent, (608) 266-1771 • Greg Doyle, Communications Director, (608) 266-1098; or 1-800-441-4563

DPI 97046
8-1-97

Benson proposes closing state residential school for the visually handicapped

MADISON—"Today I am proposing to the state Legislature that the residential Wisconsin School for the Visually Handicapped (WSVH) in Janesville be closed at the end of the 1997-98 school year and that the funds used to operate the state-run facility be redirected to support and improve local and regional educational programming for all visually impaired students," announced State Superintendent John Benson.

"Parents and local school districts increasingly are deciding to educate children with visual disabilities in their local school districts, which allow the children to remain at home with their families and friends," explained Benson. "As a result, WSVH has experienced a decades-long decline in the number of visually impaired students it serves."

The state superintendent's decision follows a comprehensive review of the status of the state school for visually impaired students. Enrollment at the prekindergarten through 12th-grade residential school has declined steadily since state and federal special education laws were enacted in the mid-1970s. Sixty-one students are registered for the fall semester, compared to 106 a decade ago. During that time period, the number of children in local school districts receiving special education services due to visual impairment has doubled to nearly 1,300.

The Department of Public Instruction has long had statutory responsibility for administering WSVH as well as the Wisconsin School for the Deaf (WSD) in Delavan. "Services provided at WSD such as American Sign Language immersion are not and, quite frankly, cannot be duplicated in local school districts. That is why WSD maintains a steady enrollment of 170 students and why no consideration is being given to its closing," said Benson.

(more)

EXHIBIT A

wsvh/add one

"WSVH historically served all blind children in the state," the state's educational leader explained. "Ten years ago, it still provided services for nearly 16 percent of visually impaired students, but today the school serves only 5 percent of that population."

Benson acknowledged that the decision has not been easy. "I have spoken with parents, WSVH staff, representatives of the blind community, and others about the need for a residential facility as well as the availability and adequacy of special education programs in local school districts. The fact is that for every child served by WSVH, 19 children with similar handicaps are being served by local special education programs."

Unaudited figures for the 1996-97 school year reveal an average annual cost per pupil at WSVH of more than $70,000, an amount that is three or more times the per-pupil special education costs for visually impaired students receiving services in their local school districts, said Benson.

The state superintendent is recommending three sources of special education funds be targeted to local programs for children with visual disabilities. He would

- redirect $1.36 million in federal special education funds allocated to WSVH for local school district programs and services;
- seek legislative approval to allocate $1 million a year for five years in existing state special education aid for a special program to help school districts create and strengthen programs; and
- ask that the $4.93 million in annual state tax savings that result from closing WSVH be set aside for special education aid for local-program reimbursements.

Benson announced that he will appoint a statewide task force to study the quality and availability of local services for visually impaired students. The task force will include adults with visual disabilities, parents of WSVH students, WSVH staff, students with visual impairments and their teachers, and school administrators. The task force will assess local districts' curriculum and instruction in areas needed to assist visually impaired students, including orientation and mobility, access to assistive technology, independent living skills, career education, and recreation and leisure. The task force will be asked to submit recommendations by November 1997 for reconfiguring and expanding existing outreach services and for redirecting state services to local school districts.

(more)

wsvh/add two

"I am concerned as well for the 97 employees of WSVH. To a person, they are dedicated to improving the lives of young people; many have unique skills that local school districts will be seeking as they institute or enhance programs for visually impaired students," Benson said. "I have directed my human resources staff to help WSVH employees connect with districts that may be in need of their services."

Benson indicated that the timing of his announcement was intended to provide WSVH students, parents, and employees as well as local school superintendents with as much lead time as possible to achieve an orderly transition. He added that he has already contacted the Legislative Reference Bureau to begin the process of drafting legislation for consideration in the September floor period.

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ATTACHMENT: A chart that shows statewide enrollment of visually impaired students compared to enrollment at the Wisconsin School for the Visually Handicapped accompanies this press release.

NOTE: State and federal pupil confidentiality laws preclude Department of Public Instruction staff from providing information about students enrollend at WSVH.

APPENDIX F

RESIDENTIAL SCHOOLS IN OTHER STATES

RESIDENTIAL SCHOOLS FOR THE BLIND SEVICES
DATA BASED ON 1996 - AMERICAN FOUNDATION FOR THE BLIND DIRECTORY

SCHOOL	SERVED	STAFF	OUTREACH		AGES	CURRICULUM	SUMMER	UNIVERSITY TRAINING PROGRAM
			Outreach	Material Center				
Alabama School Blind/Deaf	128 K-12	91 (95-96)	√	√	3-21	K-12 Curruculm Voc./Skill Dev	√	Talladega - Vi University of Alabama
Arizona Blind/Deaf	110	92	√	√	0-21	Pre-12	Not Stated	University of Arizona
Arkansas Blind	110	109	√	√/760	3-21	Pre-12	Not Stated	University of Arkansas
California Blind	130	140	√/200	√	3-22	Pre-12	Not Stated	California State California State University San Francisco
Colorado Blind/Deaf	210	68	√	√	0-21	Pre-12	Not Stated	University of Colorado
Florida Blind/Deaf		100	√	√	3-21	Pre-12	Not Stated	Florida State
Georgia Blind	175	132	√	√	3-22	Pre-12	Not Stated	Georgia State
Governor Moorhead Blind N.C.	90 residents 300 Pre	260	√/30		5-21	Pre-12	Not Stated	
Hawaii Blind/Deaf	67	49	√	√	3-21	Pre-12	Not Stated	
Idaho Blind/Deaf	115	135 both	√	√	3-21	Pre-12	Not Stated	
Illinois Blind	110	143	√	√	4-21	Pre-12	Not Stated	Illinois State Northern Illinois
Indiana Blind	200 on campus	255	√/150	√	0-21	Pre-12	√	
Iowa Blind	55 campus	90	√/350	√	5-21	K-12	Not Stated	
Kansas Blind	60 campus	93	√/500	√	0-21	Pre-12	Not Stated	
Kentucky Blind		45	√	√	5-21	K-12	Not Stated	University of Louisville
Laville Blind NY	100	70			3-21	Pre-12	Not Stated	New York University
Louisana Blind	50 plus field	93	√	√	3-21	Pre-12	Not Stated	
Maryland Blind	500	310	√	√	2-21	Pre-12	Not Stated	
Michigan Blind/Deaf			√	√	0-25	Pre-12	Not Stated	Eastern Michigan
Minnesota Blind			√	√	4-21	Pre-12	√	University of Minnesota
Mississippi Blind					0-21	Pre-12	Not Stated	Jackson State University M[illegible]ssippi [illegible]

RESIDENTIAL SCHOOLS FOR THE BLIND SEVICES
DATA BASED ON 1996 - AMERICAN FOUNDATION FOR THE BLIND DIRECTORY

SCHOOL	SERVED	STAFF	OUTREACH		AGES	CURRICULUM	SUMMER	UNIVERSITY TRAINING PROGRAM
			Outreach	Material Center				
Missouri Blind			√	√	3-21	Pre-12	Not Stated	
Montana Blind/Deaf	27 campus 160 outreach	13	√	√	3-21	K-12	Not Stated	
Missouri Blind			√	√	3-21	Pre-12	Not Stated	
Montana Blind/Deaf	27 campus 160 outreach	13	√	√	3-21	K-12	Not Stated	
Nebraska Blind	19 (95-96)	33	√	√	5-21	K-12	Not Stated	
New Mexico Blind		148	√	√	5-12	K-12	Not Stated	
New York Blind		150	√	√	5-21	K-12	√	Dominican College Hunter College Teachers College
North Dakota	250 Resid Outreach	42			3-26	Pre-K	Not Stated	University of North Dakota
Ohio Blind	130	127	√	√	3-22	Pre-12	√	Ohio State University of Toledo
Oklahoma Blind	410 Resid Outreach	133	√	√	0-21	Pre-12	√	
Oregon Blind	50	49	√	√	0-21	Pre-12	Not Stated	Portland State
Overbrook-PA Blind	199 Sch age 93 0-3	200		√			√	Northestern University University of Massachusetts
Perkins-MA Blind	180 campus	450	√	√	0-21	Pre-12	√	Boston College
South Carolina	67 resid 102 outreach	42	√	√	3-22	Pre-12	√	University of South Carolina
South Dakota	180	54	√	√	3-21	Pre-12	√	Northern State
Tennessee	165	181	√	√	3-21	Pre-12	√	Peabody College
Texas VI	420	416 Full and Part time	√	√	5-22	K-12	√	Stephen Austin Texas Tech University of Texas
Utah Blind/Deaf			√	√	3-21	Pre-12	Not Stated	
Virginia Blind/Deaf-Hampton	20	17	√	√	2-21	Pre-12	Not Stated	

RESIDENTIAL SCHOOLS FOR THE BLIND SEVICES
DATA BASED ON 1996 - AMERICAN FOUNDATION FOR THE BLIND DIRECTORY

SCHOOL	SERVED	STAFF	OUTREACH		AGES	CURRICULUM	SUMMER	UNIVERSITY TRAINING PROGRAM
			Outreach	Material Center				
Virginia Blind/Deaf-Stauton	40	24	√	√	5-22	K-12	Not Stated	
Washington VI	74 campus 159 off campus	74	√	√	0-21	Pre-12	√	
Western Penn VI	195	253			3-21	Pre-12	√	Kutztown University Penn Coll of Opt University of Pittsburgh
W Virginia Blind/Deaf	179 Blind/Deaf		√	√	5-23	K-12	√	
Wisconsin Blind	57		√	√	3-21	Pre-12		

Source: Department of Public Instruction.